

**BARNSTABLE METROPOLITAN BOROUGH  
COUNCIL**

**LOCAL GOVERNMENT PENSION  
SCHEME REGULATIONS 2014**

**EMPLOYER DISCRETIONS  
POLICY STATEMENT**

## Discretions of the Employing Authority

COMPULSORY DISCRETIONS		
Main Purpose of Regulation	Regulation	Discretion Exercised
Funding of Additional Pension through a Shared Cost Additional Pension Contribution - Where an active Scheme member wishes to purchase extra annual pension up to the maximum by making Additional Pension Contributions (APCs), the employer may choose to (voluntarily) contribute towards the cost of purchasing that extra pension via a Shared Cost Additional Pension Contribution (SCAPC).	Regulation 16 (2)(e) and/or 16 (4)(d)	As a result of the costs involved and the likelihood of this provision either being of little or no benefit to the Council or not being vital to the support and application of the Council's business plan and strategy, then the organisation would not normally expect to exercise its discretion to fund additional pensions for members either through regulation contributions or lump sum contributions. However, each and every application will be considered in the light of the circumstances of the individual case concerned and a decision reached on the merits of that case.
Additional Voluntary Contributions	Regulation 17(1)	The Council will pay shared cost AVCs where an employee has elected to pay AVCs by salary sacrifice. The amount of these employer shared cost AVCs will not exceed the amount of salary sacrificed by the employee. This is a discretion of the Council which is subject to the employee meeting the conditions for acceptance into the salary sacrifice shared cost AVC scheme and may be withdrawn or changed at any time.

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Flexible Retirement - This regulation allows the employer to consent to the early release of all, or part, of a member's LGPS benefits provided they have also consented to the reduction of hours worked or grade in which the member is employed. The member must be aged 55 or over.	Flexible retirement, Regulation 30 (6)	<p>The Council seeks to support the principle of allowing members to prepare for retirement in as many ways as possible. In this it also seeks to support Government Policy where that policy supports the Council in its efforts to provide services in the most efficient and cost-effective manner. As such, subject to the following criteria, BMBC would normally expect to exercise its discretion in allowing members to retire flexibly:</p> <ul style="list-style-type: none"> <li>• Any reduction in working hours or salary must be permanent</li> <li>• Any reduction in working hours or salary must be at least 20% of those hours or that salary being worked or earned immediately prior to the member's flexible retirement</li> <li>• The reduction in hours or reduction in responsibility allowing the member to be paid a reduced salary must not impact upon the organisation's ability to carry out its business efficiently and effectively</li> <li>• The individual flexible retirement concerned must support the Council's overall business plan and strategy</li> </ul> <p>The Council reserves the right, having considered each individual case, to refuse an application where any of the above criteria are not met.</p> <p>The Council has a separate Flexible Retirement Policy which provides full details of the process to be followed when considering flexible retirement.</p>

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<p>Waiving of actuarial reduction - This regulation allows the employer to consent to the early release of all, or part, of a member's LGPS benefits provided they have also consented to the reduction of hours worked or grade in which the member is employed. The member must be aged 55 or over.</p>	<p>Regulation 30 (8)</p>	<p>Due to the additional costs involved in the waiving the actuarial reduction to member benefits in cases of voluntary retirement (resignation) it is not envisaged that the Council would normally exercise its discretion in favour of waiving those reductions. However, each request will be considered on its merits and with reference to the circumstances involved of the individual concerned.</p> <p>A potential exception to this policy would be where the individual can make a case for the waiving of such a reduction to be granted on compassionate grounds. An example of "compassionate grounds" may be where the member has been forced to cease work to take up a caring role for an immediate family member, although it is recognised that other grounds could and may exist.</p> <p>Every application will be considered on the circumstances of the individual concerned. Financial hardship alone would not constitute "Compassionate grounds"</p>
<p>Switching on the 85-year rule for members voluntarily drawing benefits on or after age 55 and before age 60 -</p>	<p>Schedule 2 of the Transitional Regulations.</p>	<p>As a result of the potential retrospective impact on the 2013 Fund Valuation and the future additional costs that the exercise of this discretion would bring to the Council, and the fact that the Council does not deem the exercise of this</p>

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<p>Whilst the 85-year rule does not automatically apply in full if the employee decides to voluntarily draw benefits on or after age 55 and before age 60, this regulation allows the employer to switch the rule back on.</p> <p>If the employer switches on the 85-year rule they will pick up any strain on Fund cost.</p>		<p>discretion to be necessary in the pursuit of its overall business plan and strategy then it is not anticipated that there will be any instances where BMBC will switch on the rule of 85 for members wishing to retire (resign) voluntarily between the ages of 55 and 60. However, every application will be considered on its individual merits and the circumstances involved.</p>
<p>The power of employing authority to award additional pension - this regulation allows an employer to resolve to award a member an amount of additional pension, up to the LGPS maximum, to an active scheme member or within 6 months of leaving to a member whose employment was terminated on the grounds of redundancy or business efficiency.</p>	Regulation 31	<p>The costs involved and the likelihood of this provision either being of little or no benefit to the Council or not being vital to the support and application of the business plan and strategy, then the Council would not normally expect to exercise its discretion to award additional pension to members. However, each and every application will be considered in the light of the circumstances of the individual case concerned and a decision reached on the merits of that case.</p>

Date Revised	Date Approved	Summary of Changes	Author
04/09/2025		None made	Strategic People Partner